

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 3707(S/S)2001
(Old No. 7267 of 1996)

1. K.S. Nayal S/o G.S. Nayal,
2. B.L. Shah S/o G.L. Shah,
3. L.M. Shah S/o H.L. Shah,
4. N.S. Pukharya S/o B.S. Pukharya,
5. H.C. Joshi S/o B.D. Joshi,
6. Pyare Lal Shah S/o D.L. Shah,
7. B.P. Lohani S/o G.L. Lohani,
All C/o U.P. State Road Transport Corporation,
Nainital, District Nainital. ----- Petitioners.

Vs.

1. U.P. State Road Transport Corporation through,
Its' Managing Director,
2. Regional Manager, U.P.S.R.T.C., Nainital
----- Respondents.

Sri B.D. Upadhyay, learned counsel for the petitioners,
Sri Ram Ji Srivastava, learned counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.D. Upadhyay, learned counsel for the petitioners and Sri Ram Ji Srivastava, learned counsel for the respondents.

2. By means of this writ petition, the petitioners have prayed for the following reliefs:-

- i. To issue a writ, order or direction, in the nature of certiorari, quashing the order dated 16.02.1993, passed by respondent no. 2 (annexure-2),
- ii. To issue a writ order or direction in the nature of mandamus commanding the respondents not to further recovery the amount, if any, from the petitioners and the amount so recovered be refunded forthwith to the petitioners,

- iii. To issue such further other writ, order or direction of suitable nature as this Hon'ble Court may deem fit and proper,
- iv. To award costs of the writ petition to the petitioners.

3. It is contended by the learned counsel for the petitioners that, though the petitioners have been provided selection grade vide order dated 25.03.1991 in pursuance of the letter dated 23.02.1991 issued by the Joint Managing Director, Corporation Head Office, Lucknow, but the differences of the salary was ordered to be recovered from the petitioners by the impugned order dated 16th February 1993 passed by the respondent no. 2. The impugned order has already been quashed by the Allahabad High Court on 26.10.1995 in writ petition no. 9970 of 1993 (Chandra Shekhar Tewari vs. State of U.P. and four others) alongwith the connected writ petitions, as such, the petitioners have prayed that the present writ petition may also be disposed of on the same terms and conditions of the aforesaid judgment of the Allahabad High Court.

4. Keeping in view the fact that the impugned order has already been quashed by the Allahabad High Court on 26.10.1995 in the aforesaid writ petitions, the present writ petition is also being disposed of on the same terms and observations made by the Allahabad High Court in writ petition no 9970 of 1993 (Chandra Shekhar Tewari vs. State of U.P. and four others) alongwith the connected writ petitions, delivered on 26.10.1995.

(M.M. Ghildiyal, J.)

July 4, 2006:

NCM:

*Corrections & deletions were made vide Court's order dt. 21-7-06.

21-7-06

W.P. No. 3707 (ss)01:
(Old No. 7267 of 1996)

Hon'ble M.M. Ghildiyal, J.

Correction Application no. 9014/06:

In

W.P. No. 3712(ss)01:

Heard Sri B.D. Upadhyay, learned counsel for the applicant/ petitioners and learned Standing Counsel on the application.

By the present application, the applicants seek corrections in the order dated 4th July 2006 passed by this Court in the writ petition.

Correction application is allowed. Accordingly, in place of words "vide order dated 25.03.1992, in pursuance of the letter dated 3072 FA/91/385 FA/90 dated 10.01.1991, the words "vide order dated 25.03.1991 in pursuance of the letter dated 23.02.1991" be transcribed and added in line nos. 3 & 4 of para-3 of the order dated 4th July, 2006.

(M.M.G., J.)

21.07.2006:
NCM: